



COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION
"Creating Community Through People, Parks and Programs"
Russ Guiney, Director

August 10, 2010

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL OF AMENDMENT NO. 1 FOR THE SUBLICENSE OF A PORTION OF THE
CELLULAR TOWER FACILITIES AT ALTADENA GOLF COURSE
(SUPERVISORIAL DISTRICT 5) (3 VOTES)**

SUBJECT

The purpose of the recommended action is to request approval of Amendment No. 1 of an existing License Agreement between the County of Los Angeles and T-Mobile West Corporation to permit T-Mobile West Corporation to sublicense a portion of a cellular tower at Altadena Golf Course.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that the proposed actions are categorically exempt from the California Environmental Quality Act in accordance with Section 15301 of the State California Environmental Quality Act Guidelines and Class 1 (e) (r) of the Environmental Document Reporting Procedures and Guidelines, adopted by your Board on November 17, 1987, because the actions consist of leasing of an existing public facility and minor alteration to existing facilities.
2. Approve and instruct the Director of the Department of Parks and Recreation to sign an amendment with T-Mobile West Corporation to sublicense a portion of a cellular tower at Altadena Golf Course, effective September 1, 2010, which will result in additional annual rent in the amount of \$13,200 received from T-Mobile West Corporation, to be used for Altadena Golf Course improvements. This complies with the Public Park Preservation Act of 1971, which requires that any rent received be used for site specific park improvements.
3. Delegate authority to the Director of the Department of Parks and Recreation to execute any future sublicenses of the License Agreement.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On July 28, 2009, your Board conducted a public hearing and at the close of said hearing, approved a License Agreement with Omnipoint Communications, Inc., a subsidiary of T-Mobile USA Inc., to Permit Omnipoint Communications, Inc. to construct, operate and maintain telecommunications equipment and a storage structure at Altadena Golf Course. In November 2009, Omnipoint Communications, Inc. was involved in an internal merger with its sister entity, T-Mobile West Corporation, with T-Mobile West Corporation surviving. Such an assignment is permitted pursuant to the terms of the License Agreement, and does not require the Director's approval. Accordingly, the License Agreement is now with T-Mobile West Corporation.

This request will permit T-Mobile West Corporation to sublicense a portion of its interest in an automated communications facility for wireless telephone services (Communications Facility) at Altadena Golf Course, which will continue to provide improved telecommunications to the area. Equipment to be added on the existing cell tower consists of nine antennas, twelve amplifiers and eighteen transmission lines.

Additionally, this recommended action will enable the Department of Parks and Recreation (Department) to continue to provide services at Altadena Golf Course with no negative impact to its users, and allow the Department to increase the additional monthly rental revenue received from T-Mobile West Corporation.

On May 31, 2005, your Board approved the establishment of the Department Park Improvements Special Fund (PISF). The purpose of this fund is to capture proceeds from sales and leases of park land subject to the Public Park Preservation Act of 1971 (Act), which requires that any rents received in the instant lease, shall be deposited to the PISF and used for improvements at Altadena Golf Course where and when applicable.

Implementation of Strategic Plan Goals

The proposed License Agreement (Agreement) with T-Mobile West Corporation will further the County's Strategic Plan Goals of Operational Effectiveness (Goal 1), by increasing revenues and providing funding for infrastructure improvements at the facility, and Community and Municipal Services (Goal 3), by using revenue to make improvements at the Altadena Golf Course for public recreational use.

FISCAL IMPACT/FINANCING

Pursuant to the terms of the Amendment, T-Mobile West Corporation will pay the County fifty percent of all additional rents collected as a result of any such sublicenses. Presently, it is estimated that the Department will receive an additional \$1,100 per month, or \$13,200 annually, in addition to the rent payments in the Agreement through the end of the term of the Agreement, December 31, 2029.

Operating Budget Impact

Based on the recommended actions, the Department does not anticipate any one-time start-up or ongoing operating costs resulting from the installation of additional communications equipment. The Department is, however, expecting a revenue increase of \$11,000 in rent from the installation to its Fiscal Year (FY) 2010-11 operating budget. The Department will address this increase in its FY 2010-11 Budget during Supplemental Changes.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The County is authorized by the provision of Government Code Section 25526.6 to license its property to a public utility if your Board finds that such conveyance is in the public interest and that the interest in the land conveyed will not substantially conflict or interfere with the use of the property by the County.

Pursuant to the current contract terms all assignments and delegation, except for an assignment to an affiliate or subsidiary, are presented as an agenda item for Board's approval. Under the recommended action, the Director of the Department will use delegated authority to execute Amendment No 1. and any future sublicenses.

County Counsel has approved the attached Agreement as to form.

ENVIRONMENTAL DOCUMENTATION

The proposed actions are categorically exempt from California Environmental Quality Act (CEQA) in accordance with Section 15301 of the State CEQA Guidelines and Class 1 (e)(r) of the Environmental Document Reporting Procedures and Guidelines, adopted by your Board on November 17, 1987, because the actions consist of the leasing, of an existing public facility and minor alteration to existing facilities consisting of the addition of telecommunications equipment on an existing cell tower.

CONTRACTING PROCESS

The contracting process does not apply since the proposed Amendment No. 1 is for an existing contract approved by the Board.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no impact on current County services or projects during the performance of the recommended services.

CONCLUSION

It is requested that an adopted copy of the action taken by the Board and a fully executed copy of the attached Amendment Number 1 be mailed to: T-Mobile West Corporation, Attn: PCS Leasing Administrator/Legal Department, 12920 SE 38th Street, Bellevue, WA. 98006, In addition, it is requested that two adopted copies be forwarded to the Department of Parks and Recreation.

The Honorable Board of Supervisors
8/10/2010
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Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Russ Guiney", with a stylized, flowing script.

RUSS GUINEY
Director

RG:DM:KEH:
SS:rc

Enclosures

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors